

REMARKS

Initially, Applicant expresses appreciation to the Examiner for the courtesies extended during the recent in person interview conducted on July 11, 2007. The amendments and remarks made by this paper are consistent with the proposals discussed during the interview.

The Non-Final Office Action, mailed June 18, 2007, considered and rejected claims 33-40.¹ Claim 37 was also objected to for formatting issues, as it appeared to the Examiner as both a computer media claim as well as a method claim. To help clarify the issue, claim 37 has been amended to more clearly recite how the claim is directed to a computer-readable storage media having stored instructions for implementing the recited method. In view of this amendment, the objection should now be withdrawn. Claims 33 and 38 were also objected to for reciting the terms "allowed" and "permitted". However, as discussed during the interview, and as agreed to by the Examiner's Supervisor, the contextual use of the terms "allowed" and "permitted" are completely appropriate in the way they are used and do not render the claim indefinite or ineligible. Accordingly, this objection should also be withdrawn.

By this paper, all of the considered claims 33-40 have been amended and new claims 44-47 have been added.² No claims have been cancelled by this paper. Accordingly, claims 33-40 and 44-47 remain pending, of which claims 33, 37 and 38 are the independent claims at issue.

As discussed during the interview, the pending claims are generally directed to embodiments for initiating peer-to-peer communications within a multiplayer game and in such as way as to cause the peer-to-peer communications to bypass the game server that is hosting the multiplayer game. The method recited in claim 1, for example, includes requiring each person requesting to play in the multiplayer game to first enroll in a game service operating the game server. Then, each player attempting to play in the multiplayer game is authenticated by determining if each corresponding player is enrolled in the game service, and so that only people who have enrolled in the game service are allowed to access the multiplayer game as a player. A player that is authenticated and that has accessed the multiplayer game is then provided a list identifying at least one other player that is authenticated and that is enabled to communicate with

¹ Claims 33 - 34 and 37 - 39 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Walker et al. (U.S. Patent Application Publication 2002/0193162 A1) hereinafter Walker in view of Miura (U.S. Patent 6,322,451 B1) hereinafter Miura. Claims 35 -36 and 40 were rejected under 35 U.S.C. 103(a) as being unpatentable over Walker and Miura as applied to claims 33 and 38 above, and further in view of Perlman (U.S. Patent 5,586,257).

² Support for the amendments, which was reviewed during the interview, includes the disclosure found in pages 4-5, 20 and 29.

the first player in a peer-to-peer network connection. The player then selects another player from the list, which constitutes a request for communication information corresponding to the second player and that is required to establish the peer-to-peer connection between the first player and the second player and that includes at least an IP address of the second player. In response to the request, the communication information comprising at least the IP address corresponding to the second player is then transmitted from the game server to the first player, wherein the first player, upon receiving the communication information, uses the received communication information to attempt to open a peer-to-peer communication with the second player. If the attempt is successful, the peer-to-peer communication can then successfully bypass the game server. (see claim 36, for example). If the attempt is unsuccessful, the second player is then prompted to initiate the peer-to-peer communication with the first player, so that the peer-to-peer communication can still be established. (claim 35, for example).

The elements of the method recited in claim 1 are also found in the other independent claims, and hence all of the dependent claims. For example, the computer program product recited in claim 37 comprises instructions for implementing the method recited in claim 1, as does the system recited in claim 38.

One specific embodiment, which is recited in claim 34, also clarifies that the information transmitted to the first player includes the unique key of the second player. This way the second player, upon receiving the request for the peer-to-peer communication including the key information, knows that the first player is trusted since the first player had the second player's key information.

The combination of art used to reject the claims includes Miura, Walker and Perlman. Miura generally discloses a system for identifying and selecting other players to play with, by providing a listing of the other players and their capabilities. This listing is not, however, limited to players that are authenticated. Miura also clearly fails to teach or suggest that upon a first player selecting a second player to initiate communications with that the server provides the first player with the communication information that is needed to initiate peer-to-peer communications (including IP address information of the player, for example). Muira also fails to disclose or suggest that the first player initiates peer-to-peer communications with the second player, as claimed.

The other cited references (Walker and Perlman) also fail to compensate for the foregoing inadequacies of Miura. Walker does generally disclose methods for authenticating players and for generating key information. However, this key information is not provided to other players to be used in initiating peer-to-peer communications, as recited in claim 34, for example. The authentication is also not used to limit the listing of participants with whom a player can initiate peer-to-peer communications.

The cited disclosure of Perlman, on the other hand, (which was only cited for rejecting some of the dependent claims) discloses methods for establishing connections between systems. It will be noted, however, that Perlman's disclosure does not teach that a second system is prompted to initiate communications with a first system upon detecting the failure of a first system to establish a connection, as asserted. Instead, Perlman's disclosure indicates that upon failing to connect with the second system, the first system is instructed to contact customer support. (Col. 14-15). The same is true when the second system is independently unsuccessful at establishing a connection. There is no prompting for a second system to initiate the connection when the first system is unsuccessful.

For at least the foregoing reasons, as well as the other reasons presented during the interview, the pending claims were generally found to be distinguished from the cited art of record, subject, of course, to an updated review and search.

In view of the foregoing, Applicant respectfully submits that the other rejections to the claims, including the dependent claims, are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice.³ In fact, as discussed during the interview, there are many additional distinguishing features in the dependent claims, including, but not limited to the features found in new claims 44-47, wherein

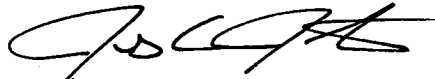
³ Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record. Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

the list generated for the first player is limited to players on a same team (claim 44), wherein the list is limited to players playing a game within a same game world and within a predetermined proximity within the game world (claim 45), wherein the communication information sent to the first player includes a specific port address (claim 46), and wherein the IP address comprises an internal IP address associated with a shared Internet connection (claim 47).

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at 801-533-9800.

Dated this 18th day of September, 2007.

Respectfully submitted,



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